

CR1.2:M69i

UNIV. OF MD MARSHALL LAW LIBRARY



3 1428 03517685 4

**REPORT  
ON  
MISSISSIPPI**

**BY THE  
MISSISSIPPI ADVISORY  
COMMITTEE TO THE  
UNITED STATES COMMISSION  
ON CIVIL RIGHTS**

**JANUARY 1963**

ADMINISTRATION OF JUSTICE  
IN MISSISSIPPI

A REPORT OF THE  
MISSISSIPPI ADVISORY COMMITTEE  
TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

JANUARY 1963

UNIVERSITY OF MARYLAND  
LAW LIBRARY BALTIMORE

## CONTENTS

	Page
PREFACE . . . . .	1
REPORT . . . . .	2
Examples . . . . .	6
Findings . . . . .	23
Recommendations . . . . .	26
APPENDIX . . . . .	29
COMMISSION ACKNOWLEDGEMENT .	32

## PREFACE

This report was submitted to the U.S. Commission on Civil Rights by the Mississippi Advisory Committee. The Mississippi Committee is one of the 51 Committees established in every State and the District of Columbia by the Commission pursuant to Section 105(c) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following: (1) to advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and (2) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings and recommendations.

REPORT OF THE MISSISSIPPI ADVISORY  
COMMITTEE TO THE  
U.S. COMMISSION ON CIVIL RIGHTS

This is a summary report of the activities of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights during the fourteen-month period ending in January 1963. The Advisory Committee held six open meetings in this period, in Jackson, Greenville, Clarksdale, and Meridian, and received approximately 150 complaints of alleged denial of equal protection of the law.

The procedure followed by the Committee in holding open meetings may briefly be described as follows: A public announcement was made of our intention to hold a meeting, and the press and the public were invited to attend. Persons desiring to submit pertinent information or complaints were invited to appear. The Committee has been gratified by the response of many of the citizens of the State to these meetings. Attendance increased with nearly every meeting and as many as 29 persons have testified at a single meeting. In some instances, citizens were unwilling to voice their complaints in open session because they feared violent reprisals. Such complainants were heard in executive session. Whenever the Committee had an indication that certain law enforcement agencies or officials were to be involved in a complaint, advance notice was sent to such agencies or officials together with an invitation to participate. Although we usually received no response to these invitations, sheriffs have occasionally attended meetings as spectators, though declining to participate. The press has usually been in attendance and has, on the whole, reported our proceedings fairly and objectively.

Our purpose in holding open meetings was to collect factual information regarding possible denials of equal protection of the law in Mississippi. We believe this purpose has been accomplished

to the extent that we have established beyond doubt that a formal inquiry into alleged civil rights denials in this State is an urgent necessity. We have also been able to forward to the Commission specific complaints which involved infractions of existing Federal statutes.

All of us are Mississippians and some of us have lived all our lives in Mississippi. Yet the extent and the manner of apparent denials of equal protection of the law on the basis of color, as revealed in these meetings, has been a profound shock to us. We are alarmed at the direction our society seems to be taking, and we believe that the overwhelming majority of Mississippians will share this alarm as the facts become known to them. It is our hope that the open meetings have been useful in making these facts known.

The Committee regrets to report that its factfinding efforts were actively opposed by agents and instrumentalities of the State Government. It might be assumed that equal protection of the laws, particularly as it applies to the administration of justice, is such an intrinsic part of the American system, or of any true democracy, that officials would be eager to demonstrate their respect for this basic concept. Unfortunately, such is not the case at this time in Mississippi. State officials advised other officials and private individuals who were questioned by the Committee in 1961 to refuse to provide information. In 1960, the Mississippi Legislature passed an act designed, we believe, to intimidate persons who might wish to assert their rights as citizens by appearing before this Committee. This act alters the requirements of proof for prosecutions of perjury solely in cases where the defendant has testified before this Committee, Commission on Civil Rights, the FBI, or another United States agency on the subject of deprivation of rights guaranteed by the Constitution of the United States or of Mississippi\*. The act contains the following remarkable wording:

"Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this act. It shall not be necessary to prove, to sustain or charge under

---

\* The ordinary rule of perjury in Mississippi is that conviction of perjury is not sustained by the uncorroborated evidence of a single witness. Lee v. State 105 Miss. 539, 62 So. 360(1913).

this act, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal committee or commission had jurisdiction." (The full text of the act, enacted as Sections 2155.4-2155.6 of the Mississippi Code, is appended to this report.)

The Committee has also learned, in at least one case, of the intimidation of a witness who appeared before us.

The Committee's investigations have indicated that in all important areas of citizenship, a Negro in Mississippi receives substantially less than his due consideration as an American and as a Mississippian. This denial extends from the time he is denied the right to be born in a nonsegregated hospital, through his segregated and inferior school years and his productive years when jobs for which he can qualify are refused, to the day he dies and is laid to rest in a cemetery for Negroes only. This Committee could have chosen to concentrate on any aspect of discrimination and found a plethora of examples of denial of equal protection of the law. This includes the denial of the fundamental right to vote and have that vote counted in elections. Sixty-five sworn voting complaints from thirteen Mississippi counties have been received by the Commission. This is third highest in the nation.\*

In spite of the seriousness of the inequities in these areas of citizenship, this report is concerned with another subject which recurred constantly in the testimony at our meetings. It is a subject that has implications even more damaging to the principles of the American way of life than denial of the right to vote. That subject is police brutality. The following incidents are illustrative of the alarming number of complaints on this subject received by this Committee.

---

\* The voting problem remains serious in the State. Activity by the Justice Department in Mississippi promises some slow relief in counties where suits have been initiated. Yet the State Government continues to erect all possible barriers to equal access to the franchise by our Negro citizens. In 1962, the Mississippi Legislature enacted a new law requiring the publication of the names and addresses of all new voting registrants for two weeks in a newspaper of general circulation. This law is ostensibly designed to facilitate challenges of registrants on moral grounds. In fact, it can be used to facilitate reprisals against Negroes who seek to register.

A word of caution and explanation is in order. In view of its lack of adjudicative power, the Committee was at first hesitant to delve too deeply into this sensitive area. Our Committee can offer no relief to individual complainants and is not in a position to make final determinations regarding the validity of the complaints it receives. Yet, it soon became apparent that no conscientious group that is concerned with Constitutional rights could ignore the innumerable charges of police mistreatment in our State. The complaints are too numerous; too many of them are made under oath; too many complainants have corroborative evidence; and only too rarely have we seen any indication that the State is eager or even willing to punish those who, in its name, engage in the terrorization of the innocent and the defenseless.

We name no names in this report, and reach no final conclusions in individual cases. We do, however, believe that a pattern exists in our State that leads to the denial of Constitutional rights and, in some instances, to brutality and terror. From the moment a Negro adult is hailed as "boy" or "girl" by a police officer, through his arrest, detention, trial -- during which his Negro lawyer is treated with contemptuous familiarity by the judge and other officers of the court -- and eventual imprisonment, he is treated with a pernicious difference. This difference is incompatible with Christian ideals about the dignity of man and with the principles of Anglo-Saxon criminal law.

How often this atmosphere produces actual terror and brutality is a question that demands further investigation. We feel strongly that we have probable cause to believe that police brutality is a continuing problem in at least certain sections of our State, and that a formal investigation into this problem must be undertaken. The cases that follow give some indication of the severity of the problem. The names, places and dates have been omitted to protect the witnesses. All incidents reportedly occurred in Mississippi in the last three years. Unless otherwise indicated, all of the statements that are included in this report were made under oath.

## EXAMPLE A

(A Negro boy)

"On . . . at approximately 11:40 p.m., I along with several other Negro boys of my community were walking along highway . . . in . . . when someone on the opposite side of the street started throwing rocks at a car load of white people.

"About ten minutes later a police car with two (2) policemen in it pulled up near us and started shooting; my friend and I did not know what had happened so we started running toward our homes on . . . Street; one policeman came behind the house where we were and hit my friend; at that time he did not hit me; he then told us to 'get in the car' and drove down to a short street where he stopped the car and told us 'get out' and asked the other policeman 'should I put the dog on them?' He replied 'yes' at that time the dog, which they called 'Rex' was sicked on us; we were cursed and told to 'run'. We then ran back to . . . Street; I ran up on my porch where the dog 'Rex' caught me, the officer then grabbed the dog, while I was being put in the police car and asked 'do you belong to CORE, or the NAACP' to which I replied 'no,' and the officer then called me a 'liar' and asked me if 'I had attended their meetings' and I told him 'I had attended some of them'.

"At that time my mother came out on the porch and asked 'if the dog had bitten my son' and the policeman said 'no, and get back in the house,' and asked 'what has he done' when the policeman did curse and told her 'none of your . . . business, -- I've been looking for him for three months,' . . . .

"Following that they drove to the home of a friend of mine on . . . Street, where they told my friend's father to 'bring your son to the jail when he comes home.'

"I was then taken to the City Jail, questioned, and cursed; at that time I was asked to identify a friend of mine, which I did; I was then questioned again and taken up to the second floor where my belongings were taken and the jailer then placed me in a cell.

"I was held in jail from 12:30 a.m. until 4:00 p.m., when I was released after my parents paid \$100.00; I was charged with 'mischief'.

"Although I did see someone throw at a car, I do not know why police brutality was taken out on me. I would like an investigation into this matter, because my mother was also taken to jail and charged with 'interfering with the law' and had to pay a fine of twenty-five dollars (\$25.00). Please help me."

## EXAMPLE B

(A Negro woman)

The following incident was not received under oath. The account is based on recorded testimony at one of the open meetings.

A 53-year old Negro woman told the Committee that she had been arrested on the street after walking home with a female visitor. The police gave no reason for forcing her into their car. When they stopped the car to check a disturbance in the neighborhood, the alleged victim got out of the car and continued on her way home. The police again apprehended her and put her back in the police car. One of the police then allegedly hit her in the face with his fist causing her eye trouble for which she is still under treatment. She was kept in jail over night and released.

## EXAMPLE C

(A Negro boy)

This incident was related to the Advisory Committee on behalf of the complainant by one of his teachers. The complainant permitted the teacher to appear for him, but would not come forward in public himself because of fear of retaliation upon himself and his family. The incident was told as follows:

"On . . . , about ten o'clock in the evening, four male students and another young man who lives in the community were returning from . . . to . . . by car. When they turned from the highway into the road leading to . . . , they saw a car parked near the railroad track which appeared to be a car belonging to a police officer.

"On the short stretch of road between . . . and . . . , the car was stopped by the police car in which were two men presumably deputy sheriffs. The driver of the car containing the students got out immediately and went to the car of the deputy sheriffs.

"Asked by one of the men whether he had been drinking, the student answered no. Asked whether he was a Freedom Rider, he said he was not. All five occupants of the car were lined up and frisked by the two deputy sheriffs.

"The driver of the car was asked to produce his driver's license. When he did so, neither deputy sheriff seemed interested in seeing it.

"Without provocation, one of the deputies hit and kicked the driver of the car. The other deputy drew his gun and threatened to blow his brains out.

"One of the deputies then told the driver of the car that he was under arrest, put handcuffs on him, and let the rest of the occupants go.

"On the way to the Sheriff's Office, one of the deputies talked about his intense hatred for Negroes, saying they were being ruined by white people from the North. The student was promised a good deal of abuse on the way to . . .

"When they reached the Sheriff's Office, the deputy in the office was told by the other deputies that the student was a prize fighter. The handcuffs were removed and the student was told to put up his fists for fighting. He did not do this. He said he was not a boxer.

"Then all three of the deputies beat him on the arms and head with blackjack. They aimed to hit him on the head but he warded off as many blows as possible with his arms. This violence continued for eight or ten minutes, interrupted with snatches of conversation among the deputies.

"The student was taken to the office of the jailer who was asked whether he had a cell that would hold a boxer. The jailer gave him a blow which knocked him against the wall. The jailer examined his wallet carefully, took it from the student, and threw him into the cell insisting that he was a Freedom Rider.

"On the docket that evening, he was charged with drunken driving. This charge was changed to reckless driving the next morning.

"The student's parents paid \$45.00 to have the young man released. The student does not know how this amount is divided between fine and cost."

The teacher then described his activity on behalf of the students.

"Later, I went to the office of the Sheriff of . . . to inquire about this case. I discovered that the deputies who made the arrest were . . . .

"According to the records in the Sheriff's Office, the case was disposed of by a Justice of the Peace, named . . . .

"The Sheriff was not available when I called at the Sheriff's Office so I talked with (Officer X). (Officer X) told me that the student was charged with reckless driving and resisting arrest. He told me that he was charged \$45.00 but . . . was not able to tell me how much of this was fine and how much costs.

"Apparently no formal hearing was held before the Justice of the Peace. The student did not see the Justice of the Peace nor go to his office at any time. His parents went to the office of the Justice of the Peace, paid \$45.00, and arranged for the release of their son.

"I called at the office of the Justice of the Peace, who was not in at the time I called. I talked with his

secretary who told me that the charges had been originally reckless driving, drinking, and resisting arrest. The secretary informed me that the drinking charge was dismissed and the student was charged simply with reckless driving and resisting arrest. I asked for a breakdown of the \$45.00 between costs and fine and the secretary was unable to give me this.

"After getting information from (Officer X) concerning the officers who made the arrest, I asked (Officer X) how much violence deputy sheriffs were permitted to use against a person when they were bringing them to the Sheriff's office. He was obviously not pleased with the question, and told me quickly that they could use as much violence as necessary by cracking the prisoner on the head or killing him if necessary if any resistance is offered."

## EXAMPLE D

(A Negro woman)

"On . . . at approximately 1:30 a.m., a policeman in . . . stopped the car in which I was riding; he asked the driver of the car to get out and also, 'what have you been drinking?' the driver replied 'beer' after which they went around to the back of the car and talked.

"The policeman then returned to the car, told me to 'open your purse' and I did not do so, and he then repeated 'open your purse' then I handed it to him, and he threw it back in the car to me, and then told me to get in the police car.

"When I asked him 'what are the charges?', 'he replied, 'for being a nigger.'

"The other lady in the car and I were taken to jail, and on the way she asked the policeman 'may I make a phone call?' He replied, 'Shut up, before I knock you out.'

"After arriving at the jail, we went upstairs, the jailer asked me my name, and I replied . . . and the same policeman who had arrested me, slapped me, knocked me down and kicked me twice, which caused me to tussle with him."

## EXAMPLE E

(A Negro man)

"On . . . about 11:30 a.m., I, . . . , was trailed about 3 miles by a highway patrolman, immediately after leaving . . . . Knowing that I was being followed, I took extreme caution in my driving.

"When the officer decided to stop me he blew his siren, and I pulled to the side of the road and stopped.

"At this point the officer got out of his car, walked to the rear of my car and demanded that my friend remain in the car and I come to the rear. When I approached the officer he asked me for my license. As I began looking through my belongings for my license, I asked the officer what were the charges. The officer replied 'nigger you keep your damn mouth shut, I'll ask the questions.' At which time the officer raised his blackjack and began hitting me on the head and the shoulders. In an attempt to protect myself from him I threw my arms up. The officer still trying to hit me on the head demanded that 'you move them damn arms boy,' 'move them god-damn-it.'

"Because I did not move my arms from around my head, the officer drew his gun and declared 'damn you, nigger, I'm going to kill you.' I begged him not to shoot me and he told me to 'shut up nigger' and hit me, with his gun on me, declared 'I will make you move them arms nigger, put your arms out here' at which time he handcuffed me, and hit me several more times, pushed me to the side of his car, opened the door, pushed me in, hit me on the head and told me to 'sit there you black b... and shut up.' The officer then walked over to my

car, where my friend was sitting. With his pistol in his hand, he pulled the door open and demanded that he get out and get in the car. When the officer got in his car, I informed him that I had dropped my wallet, and asked him could I get it. At that moment, again he began hitting me as he was saying, 'I thought I told you to shut your damn mouth.' 'Move your hands you damn nigger, god-damn-it, I'm going to kill you.' After he had finished beating me, he placed his gun under his left leg and proceeded to drive.

"On our way to the police station he asked me 'where were you going boy?' I told him we were just riding. Then he asked me 'what are you going this way for boy?' I told him I had planned to visit some friends, where he said, 'you are telling me a damn lie boy' and then asked my friend where he was going. My friend said he just came along with me, then the officer asked 'you mean you just go along with people, without knowing where in the hell you are going?' In reply my friend said, 'he is my friend - I don't have to ask him where he is going; if he was a stranger I would have.'

"When we reached the station he demanded us to get out of the car and head for those two doors on the right, he was walking behind us. Upon entering the building, he demanded my friend to sit down in the hall and continued to trail me into the clerk's office.

"Before we had reached the center of the room he began hitting me with his blackjack on my head and arms, as he was saying 'boy I am going to kill you' -- 'this damn nigger scratched me' -- 'I'm going to kill this nigger.'

"There were eight or nine other men in the room and I pleaded with them to stop him from hitting me, but not a one said a word, as the officer continued his in-human attack.

"When the officer did stop, I asked to use the phone and was told by the officer, 'you ain't using nothing.' The desk clerk, wearing glasses, took a leather strap out of a drawer (a brown strap about 4 or 5 inches wide and about 2-1/2 or 3-feet long) and said, 'let's take him down.' When my friend got up to come along, he was told to stay there.

"The officer that brought me in, the desk clerk, with the glasses on, the warner (sic) and two other men escorted me to a little room in the building where the cells were.

"With the five men standing around me the clerk said, 'drop your pants nigger.' I did as he said and some of the other men began instructing me, how to lay across a chair. My hands were handcuffed around the foot of the chair as I lay across the back of it.

"After I was in a position to please them the clerk said 'If you holler, nigger, we will kill you.' The officer said 'nigger we are going to tear your a-- off,' and hit me again on the head with his blackjack. 'As all of them took turns beating me with the strap I could hear statements as, 'let's kill this nigger.' 'This nigger knows what he has done wrong,' - a nigger going to hit an officer.'

"This beating continued while two men held my legs and one my hand.

"The officer asked the jailer did he have anything to keep me from swelling? In reply the jailer stated he had some whiskey and poured some over my back and legs.

"During that time the clerk said 'get up nigger, you are lucky you are not dead.' As the other men began leaving the room the officer said 'what is your name nigger?' When I told him my name he said 'wipe the whiskey on your a-- nigger and pull your pants up.'

"After I had dressed, the jailer carried me to a cell. I again asked to use the telephone, but he said 'no, not now, maybe later.'

"During my 28-1/2 hours in jail I asked the jailer for four times, each time he brought my meals, to let me use the phone, and he said 'later'."

EXAMPLE    F

(A Negro serviceman)

"On . . . , two (2) of my mates, . . . were on liberty and we were at a township not far from the . . . . We approached, and attempted to enter an establishment, which by its display signs indicated that it was a restaurant. There existed no display to indicate as to whether this place was designated for the exclusive use of colored or white patrons. . . . upon our attempt, was forcibly evicted by one (1) white man. After being evicted, the man . . . pointed out a store and directed us to it; at the same time asserting that this store was an establishment for colored people. We departed to the store, and the man, . . . , followed us there. We were then shown where the colored restaurant was. No sooner then we arrived at the restaurant another white man arrived (after events of the day it was alleged that he was Constable . . . ) Some white persons had proceeded to the colored restaurant, and they identified me. I, at about this point, had become very uneasy and was in fear of my bodily safety.

"At this point the man who later alleged that he was constable approached me and asked, 'Boy, did you go into a white restaurant?' I replied, 'Yes, I did and if it is such a sin I am sorry.'

"After this exchange he drew a revolver on me and ordered me to come with him. During this period of incidence, I had not been informed that I was under arrest, nor had the man identified himself as an officer of the law. At this instant, seeing all of these white

men around, I began to think of the mob violence that I had heard and read of that existed in Mississippi, and I really began to feel fear for my safety. Just about this time the man, . . . , made an inquiry, employing words to this effect, 'Boy, where is your smart friend?' The man who was later alleged to be the constable then said, 'Yes, where is he?' Notwithstanding the foregoing, no one had identified himself as a law enforcement official. Sensing the predicament that I found myself in, I told these men that . . . was out in the back and that I would lead them to him. When I got out of the back door I slammed it behind me and fled, leaving . . . on the scene, without having identified him. We were both wearing civilian clothing. In my flight I heard shots, which only caused me to attempt to increase the rate of my speed. There were some flat cars parked on a nearby railroad track, loaded with pulpwood, and I jumped over the couplings between two (2) of them. After hurdling the couplings, I noted two cars loaded with white men coming down the side road approaching U.S. Highway . . . .

"After attempting to hurdle the couplings in the railroad car, I fell and before I could continue my flight, one was running toward me with a chain. He reached me first and began to kick. I rolled, got to my feet and by this time two (2) other men subdued me. I was steadily being pummelled by fists, and was using all of my energy to continue my flight. The man who, I later was told, was a constable, hit me on the head with a pistol at least twice. I was not unconscious, but naturally I was dazed as a result of the physical violence being inflicted

upon me. I was handcuffed above the ankle and at the wrists. They tried to make me get into a car, but I was still afraid, not knowing what was going to happen. I put up a struggle, and was subdued.

"At no time did I strike anyone, because under the apprehension that existed, and numerical strength opposing me, I knew it would be futile; therefore, I remained as peaceful as is possible under such circumstances.

"I advised medical attendants at . . . how these injuries were sustained. There I was given an x-ray and a test for drunkenness. The drunkenness test was negative."

## EXAMPLE G

"I was arrested by . . . on Thursday at about 5:00 a.m. The charge was stealing cattle. The officers admitted that they did not have any evidence.

"I was taken to . . . , and placed in the . . . jail at about 10:00 a.m. the same day. Witnesses to my arrest were my wife and . . . .

"I was placed in a cell which was small, unventilated, no windows, dark, and extremely hot. One of the other prisoners who had been in this cell referred to it as a hot box.

"The only food I was given was one piece of corn-bread on Thursday, two pieces on Friday, and two pieces on Saturday. The only water I received was one glass on Thursday, two on Friday, and two on Saturday. I was sweating a great deal and very thirsty. I asked for more water but the trustee would not give me any more because he had been instructed not to.

"On Saturday night, I was taken from the hot box about 10:00 p.m. I was questioned again by deputy . . . and . . . for about one hour. I could not give any more information so they told the jailer to put me back in the box and they made like they were leaving. I was put back in the box for about 15 minutes. I was then taken out and returned to my home.

"While in this hot box the only air I could get was the air coming through a crack under the door. If it had not been for my laying on the floor and getting this air from under the door I believe that I would have died.

"I am afraid that if this information comes to the attention of the local authorities I will lose my life. When I bought my auto tags in October, the sheriff, . . . , told me that I am one nigger he wants but he can't get any proof. I better never had to come after you.

"I can not understand his attitude because I have only been in jail once about 11 years ago for fighting. This was long before the sheriff ever had any position with the sheriff's office."

## FINDINGS

1. The first finding of this Committee is that justice under law is not guaranteed for the Negro in Mississippi in the way that it is for the white man. This is true to the extent that much of the basic meaning of being an American citizen is denied to nearly half the citizens of the State. The idea of the dignity and worth of every individual is fundamental to the American way of life and to the Christian code of ethics on which our system is based. These concepts are systematically violated and an injustice done to us all when 42.3 percent of the citizens of this State must either accept an inferior station in life and an attitude of servility or endanger themselves and their families by protesting. All Mississippians are thereby denied the privilege of living under the best and fairest form of government yet devised. We find that terror hangs over the Negro in Mississippi and is an expectancy for those who refuse to accept their color as a badge of inferiority; and terrorism has no proper place in the American form of government.

2. The second finding of this Committee is that the State Government of Mississippi is not sufficiently concerned with the task of protecting the rights of all the citizens of Mississippi. Even if police brutality were less severe and widespread than we have believed, a responsible State Government would take energetic steps to ascertain the facts and punish the wrongdoers. A firm position on this matter by the State Government would reduce the tendency of lesser officials to abuse their authority and would enhance the respect of the people for the State Government. As matters stand today, we are forced to report that the attitude of the State Government, rather than being one of protection,

has been one of obstruction of the realization of the rights of our citizens. Sections 2155.4-2155.6 of the Mississippi Code are an indication of the current official attitude. These sections make a conviction for perjury in a civil rights case easier to obtain than in any other perjury case. Since Negroes represent the overwhelming majority of persons likely to be forced to make sworn statements in order to secure basic rights, this 1960 legislation seems designed to intimidate or punish those of the Negro race who would assert these rights.

3. While this Committee feels that the accounts of its meetings in the press of the State have usually been fair and objective, we find that in general the press is failing to meet its obligation to our society. When an element of government exceeds or neglects its proper role in a free society it is the duty of the press to alert the people to the situation. The people of Mississippi are largely unaware of the extent of the problem of illegal official violence and the press is partly to blame. It is a zealous crusader against governmental injustice when the Federal Government is believed to be at fault, but closes its eyes to State or local official mistreatment of Negro citizens.

4. This Committee finds that the Federal Government has not provided the citizens of Mississippi the protection due them as American citizens. The Department of Justice has acted in good faith, but the present interpretation of the function of the Civil Rights Division of the Justice Department is unduly and unwisely narrow and limited. This may be due to the inadequacy

of funds available to the Division for staff and the like, and it may be due to a reluctance to bring cases to trial under existing Civil Rights Acts in view of the prospect of facing an all-white jury likely to return a verdict in favor of a white law enforcement official accused by a Negro. Whatever the reason, the fact that police officers are rarely tried on civil rights charges has led the public to believe that few serious charges are ever made, and has reinforced the belief among offending peace officers that they may treat or mistreat Negroes as their whims direct them.

5. We also find that the Commission on Civil Rights itself continues to have an unfulfilled obligation in regard to Mississippi. It is our opinion that a formal civil rights hearing, such as only the Commission can conduct, is more urgently needed in Mississippi than in practically any other State of the Union. Yet the Commission has never met in this State in the course of its 5-year existence.

## RECOMMENDATIONS

As individuals and as members of the Mississippi Advisory Committee we believe the powers reserved to the States in the United States Constitution must be zealously guarded. They can only be guarded if they are fairly and responsibly exercised by the State administrations. When a State disregards the constitutional rights of a large segment of its population, the Federal Government is compelled to intervene in behalf of the victims. The rights of the State under the 10th amendment were reserved because it was thought necessary to protect individual rights from suppression by an all powerful Federal Government. The important concept in the 10th amendment is the protection of individual rights of the people. However, if these individual rights, which are further guaranteed by the 14th and 15th amendments, are denied by the State to a segment of its citizenry, these citizens have no choice but to turn to the Federal Government for protection. This is the dilemma we face when we find, as we have above, that Negro citizens of Mississippi are denied the equal protection of this State's laws. Equal protection of the laws is a right of all citizens of the United States. The country was founded on the principle of liberty and equality for all, and that principle will not permit the rights of over 40% of the people of the State to be neglected simply because the State administration chooses to neglect them. It is our belief that the situation revealed by the work of this Committee could and properly

should be corrected by the State Government of Mississippi. But it is our finding that the State Government is not sufficiently concerned about the denial of equal protection of the laws for Negroes. We therefore recommend:

That the President direct the Department of Justice to investigate every allegation of physical abuse of authority by State or local officials in Mississippi, and institute criminal proceedings in all cases in which such action appears to be warranted, regardless of the prospects for conviction;

That the Commission on Civil Rights hold formal public hearings in Mississippi on charges of denial of equal protection of the law on account of race, and that these hearings be held periodically so long as the present situation exists and the Commission remains in force; and

That the Commission on Civil Rights make recommendations to the Congress for the passage of further legislation designed to protect American citizens from being physically abused by persons acting under the color of governmental authority at any level.

Respectfully submitted,

The Mississippi Advisory Committee  
to the United States Commission  
on Civil Rights

The Mississippi Advisory Committee  
to the United States Commission  
on Civil Rights \*

Mrs. Wallis I. Schutt, Chairman  
Jackson, Mississippi

Dr. James L. Allen, Vice Chairman  
Columbus, Mississippi

Dr. A. D. Beittel, Secretary  
Tougaloo, Mississippi

Admiral Robert P. Briscoe  
Liberty, Mississippi

Dr. Albert B. Britton  
Jackson, Mississippi

Reverend Thomas E. Johnson  
Jackson, Mississippi

Reverend Charlemagne P. Payne, Sr.  
Jackson, Mississippi

Dr. George E. Powers  
Pass Christian, Mississippi

---

\* Reverend Murray Cox of Gulfport and Reverend Richard Ellerbrake of Biloxi were our Chairman and Secretary, respectively, during the period covered in this report. Reverend Cox died in November 1962, and Reverend Ellerbrake moved out of the State during the summer of 1962. Right Reverend Robert C. Hunter of Bay Saint Louis, Mississippi, was appointed to the Committee in December 1962.

## APPENDIX

### Sections 2155.4 - 2155.6

Source: 1960 Cumulative Supplement  
to Mississippi Code, 1942 annotated.

#### § 2155.4. False statements to federal authorities as to denial of constitutional rights by the state or its agents.

1. It shall be unlawful for any person or persons to wilfully and knowingly, whether orally or in writing, make or cause to be made, to any agency, or board, or commission, or member, or officer or official, or appointee, or employee, or representative thereof, of the Executive, or the Legislative, or the Judicial Department, of the United States or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any commissioner, or referee, or voting referee now appointed or who may be hereafter appointed by any court of the United States or any Judge thereof, and further including but not limited to any member of the Federal Bureau of Investigation and any agent or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, any false or fictitious or fraudulent statement or statements, or to use any false writing or document asserting or claiming, that such person, or persons, or any other person or persons have been, or are about to be denied or deprived of any right, or privilege, or immunity granted or secured to them, or to any of them, by the United States Constitution and Laws, or by the Mississippi Constitution and Laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi and any person or persons violating the provisions of this act shall be guilty of the crime of making a false statement, which is created by this act, a felony and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment.

2. If any paragraph, sentence, or clause of this act shall be held to be unconstitutional or invalid, the same shall not affect any other part, portion, or provision of this act, but such other part shall remain in full force and effect.

SOURCES: Laws, 1960, ch. 263, §§ 1, 2.

CROSS REFERENCES: §§ 2155.5, 2155.6, this title.

**§ 2155.5. False swearing—false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents.**

1. It shall be unlawful for any person or persons to wilfully and knowingly make any oral or written sworn false statement, or affidavit, or attestation, or complaint, or allegation before any individual or officer authorized to administer oaths, to any agency, or board, or commission, or member, or official, or appointee, or employee, or representative thereof, of the Executive, or the Legislative, or the Judicial Department, of the United States, or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any member of the Federal Bureau of Investigation and any agent, or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, that such person, or persons, or other persons have been or are about to be deprived of any right, or privilege, or immunity granted or secured by the United States Constitution and Laws or by the Mississippi Constitution and Laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any County or Municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi, and any person or persons violating the provisions of this act shall be guilty of the crime of false swearing which is created by this act, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

2. Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this act. It shall not be necessary to prove, to sustain or charge under this act, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal committee or commission that the tribunal committee or commission had jurisdiction.

3. If any paragraph, or sentence, or clause of this act shall be held to be unconstitutional or invalid, the same shall not affect any other part, or portion or provisions of this act, but such other part shall remain in force and effect.

**SOURCES:** Laws, 1960, ch. 256, §§ 1-3.

**CROSS REFERENCES:** §§ 2155.4, 2155.6, this title.

**§ 2155.6. False swearing—false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents with intent or purpose to deceive or cause investigation.**

1. It shall be unlawful for any person or persons to wilfully make any oral or written sworn false statements or affidavit or attestation or complaint or allegation before any individual or officer authorized to administer oaths, that such person or persons or other persons have been or are about to be deprived of any right or privilege or immunity granted or secured by the United States Constitution and laws, or either, or by the Mississippi Constitution and laws, or either, knowing the same, or any material part thereof to be false, with the intent or purpose to cause or encourage an investigation or which causes or contributes in any way to causing an investigation thereof, or any other action to be taken as a result thereof by any executive or legislative or judicial department, officer or agent, or representative of the United States, including but not limited to any member of the Federal Bureau of Investigation or member or representative or employee of, the Commission on Civil Rights created by an act of the Congress of the United States, or the State Advisory Group or Council, or Committee of the Commission on Civil Rights appointed in or for the State of Mississippi, and any person or persons violating the provisions of this act shall be guilty of the crime of false swearing which is created by this act, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.

2. Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this act. It shall not be necessary to prove, to sustain any charge under this act, that the oath or matter sworn to was material, or if before an executive, legislative or judicial tribunal, committee, or commission that the tribunal, committee, or commission had jurisdiction.

3. If any paragraph, or sentence, or clause of this act shall be held to be unconstitutional or invalid, the same shall not affect any other part, or portion or provisions of this act, but such other part shall remain in force and effect.

SOURCES: Laws, 1960, ch. 255, §§ 1-3.

CROSS REFERENCES: §§ 2155.4, 2155.5, this title.

## ACKNOWLEDGEMENT

The United States Commission on Civil Rights owes a profound debt of gratitude to the dedicated Americans throughout the Nation who serve on its Advisory Committees without compensation. We recognize that our debt is particularly great in the case of the Mississippi Committee. This selfless group of Mississippians has served the cause of Constitutional principles in the face of official and unofficial hostility, as well as serious abuses, amounting--in some instances--to violence. In the circumstances, the Mississippi Advisory Committee might well have decided that the climate was too hostile to permit it to conduct an active program. Instead, the Committee chose to hold open meetings in various parts of the State to gather facts, and at least to give a hearing to citizens who consider themselves not only deprived of their Constitutional rights, but wholly excluded from American citizenship as we know it.

The organization of the Mississippi State Advisory Committee was not completed until December 1959, when Reverend Murray Cox of Gulfport accepted the chairmanship. Reverend Cox guided the Committee ably and courageously until his death in November 1962. His unswerving dedication, his gentle but firm idealism, and his willingness to sacrifice all personal interests to that idealism made a profound impression on all of us.

The Committee's work was difficult from the first. In addition to official obstacles put in their path by the State Government, and described in this report, the Committee members were in some instances subjected to personal abuse from private

sources. They encountered social ostracism in some cases, and received numerous derogatory letters and telephone calls. One member reluctantly relinquished his pastorate of two churches rather than permit them to be split by dissension over his association with the Committee. Another member was threatened by a sheriff, who was also the president of the local White Citizens' Council, and was hit in the face by a neighbor; his children have been taunted and teased at school at the instigation of adults because of their father's religious work and membership on the Committee. Recently, an incendiary device of the "Molotov cocktail" type was thrown into the home of the Committee's Vice Chairman.

Despite these obstacles, the Committee has carried on an active program, culminating in this report. The Commission recognizes with profound appreciation the selfless devotion of the Mississippians who have served and are now serving on the Advisory Committee. Their firm and unwavering dedication to Constitutional principles is eloquent proof of the continued vitality of our Nation's ideals.

John A. Hannah  
Chairman  
U.S. Commission on Civil Rights

DOCUMENTS COLLECTION

MANUFACTURERS